

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 10-0125

FILED

JUN 29 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

ORDER

KIMBERLY M. KELLER,

Petitioner and Appellant,

v.

LIBERTY NORTHWEST, INC.,

Respondent and Appellee.

M. R. App. P. 12(1)(f) requires that the argument portion of an appellant's brief be preceded by a summary, under an appropriate heading, which contains a succinct, clear, and accurate statement of the arguments made in the body of the brief and is not a mere repetition of the argument headings. The Court has determined that Appellant's Initial Brief, filed June 28, 2010, does not comply with this rule.

M. R. App. P. 11(2) requires that either a proportionately-spaced typeface of 14 points or more, or a monospaced typeface of no more than 10.5 characters per inch may be used in a brief, appendix, petition, motion, or other paper. Only the brief's covers and the components of the brief excluded from the word count computation are exempt from the 14-point typeface requirement. The Court has determined that Appellant's Initial Brief does not comply with this rule. There are footnotes and block-quoted passages that do not meet the typeface requirement provided for in M. R. App. P. 11(2).

Therefore,

IT IS ORDERED that the signed original and nine copies of the referenced brief be, and are hereby, returned for revisions necessary to comply with the specified rules;

IT IS FURTHER ORDERED that no other changes, additions, or deletions may be made to the brief as originally filed;

IT IS FURTHER ORDERED that the signed original and nine copies of the revised brief ordered herein be filed with the Clerk of the Supreme Court within ten days of the date of this Order and that one copy of the revised brief be served on counsel of record and each party appearing pro se;

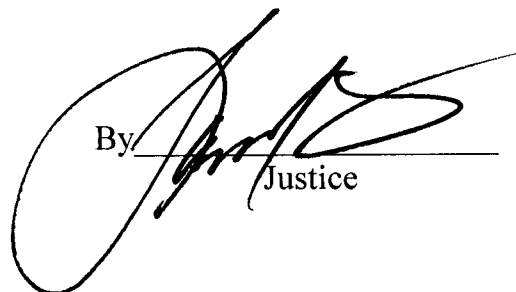
IT IS FURTHER ORDERED that the postage costs for returning the referenced copies of Appellant's Initial Brief will be billed to Appellant's counsel by the Clerk of the Supreme Court and shall be due and payable upon receipt; and

IT IS FURTHER ORDERED that the times for any subsequent briefing contained in M. R. App. P. 13 shall run from the date of re-filing the brief being returned this date.

The Clerk is directed to mail a true copy of this Order, together with all copies of Appellant's Initial Brief referenced herein, to counsel for Appellant and to mail a true copy of this Order to all counsel upon whom the brief was served.

DATED this 29th day of June, 2010.

For the Court,

By  Justice